



Merit Award Program

What is the Merit Award Program?

The Merit Award Program (MAP) was established in 2007¹ and provides state-funded performance pay supplements to high-performing instructional personnel² and school-based administrators.³ School district participation in MAP is voluntary.⁴ However, in order to receive MAP funding, school districts must develop a performance pay plan that meets the statutory requirements for MAP and have the plan approved by the Department of Education (DOE).⁵

Employees are eligible as individuals or as instructional teams (*e.g.*, co-teaching or team teaching).⁶ A school district may not require employees to apply for, or make a presentation, in order to receive a MAP pay supplement.⁷ MAP plans are subject to collective bargaining and participating districts must inform their employees of the criteria and procedures for the district's MAP.⁸

The MAP pay supplement provided to eligible employees must be at least 5 percent, but not more than 10 percent, of the average teacher's salary for the school district.⁹ The pay supplement may not be based upon an employee's length of service or base salary.¹⁰ A school district may provide additional pay supplements for employees who demonstrate exemplary work

¹ Section 1-3, ch. 2007-3, L.O.F., *codified at* ss. 1012.225, 1012.2251, and 447.403(2)(c), F.S.

² Instructional personnel eligible for MAP include classroom teachers, staff who provide student personnel services (*e.g.*, guidance counselors, social workers, career specialists, and school psychologists), librarians and media specialists, and other instructional staff (*e.g.*, learning resource specialists), as well as reading coaches and prekindergarten exceptional student education teachers. Substitute teachers, education paraprofessionals, and prekindergarten instructors in the Voluntary Prekindergarten Education Program are not eligible for MAP pay supplements. Sections 1012.01(2)(a)-(d) and 1012.225(1), F.S.; rule 6A-1.0100(2)(a), F.A.C.; Florida Department of Education, *Florida Performance Pay Guidance 2007-2008 and Beyond*, at 2 (March 30, 2007), available at <http://fldoe.org/PerformancePay/pdfs/MeritAwardProgram.pdf> [hereinafter *Performance Pay Guidance*].

³ Florida law defines "school-based administrators" as school principals and assistant principals. Section 1012.01(3)(c), F.S.

⁴ See s. 1012.225(1)(a) and (2)(a), F.S.

⁵ Section 1012.225(1)(a) and (4)(a), F.S.

⁶ Section 1012.225(1) and (3)(a), F.S. "'Team teaching' or 'co-teaching' means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. In order to be considered team teaching or co-teaching, each teacher is responsible for planning, delivering, and evaluating instruction for all students in the class or subject for the entire class period." Section 1003.03(5)(c)1., F.S.

⁷ Section 1012.225(1)(a), F.S.

⁸ Section 1012.225(1)(a) and (4)(a), F.S. If negotiations with a district school board result in an impasse involving a dispute of the district's MAP, the dispute is subject to an expedited impasse hearing. Section 447.403(2)(c), F.S. (expedited impasse hearing procedure).

⁹ Section 1012.225(2)(a), F.S.; rule 6A-1.0100(2), F.A.C. Rule provides that the calculation of the each school district's average teacher salary will be performed by the Department no later than June 1 of each year. The calculation is based upon salary information for all of the district's classroom teachers as reported in the February Student and Staff Membership Survey. Rule 6A-1.0100(1), F.A.C.

¹⁰ Section 1012.225(2)(a), F.S.

attendance.¹¹ An employee's eligibility for, or award of, a MAP pay supplement must not adversely affect the employee's opportunity to receive other compensation made generally available to other employees.¹²

MAP Funding and School District Participation		
Academic Year	Appropriation	Number of School Districts¹³
2008-09	\$32.1 million ¹⁴	7 school districts and the Florida Virtual School
2009-10	\$20 million ¹⁵	4 school districts and the Florida Virtual School
2010-11	\$20 million ¹⁶	3 school districts and the Florida Virtual School

How is employee performance assessed under MAP?

School districts must award MAP pay supplements according to an assessment of employee performance, which must be based at least 60 percent upon student performance.¹⁷ The assessment of instructional personnel is based upon the performance of students assigned to the employee's classroom. In the case of co-teaching or team teaching, the assessment is based upon the performance of students assigned to the employee's "academic sphere of responsibility."¹⁸ For a school-based administrator, the assessment is based upon the performance of students assigned to the administrator's school.¹⁹

Up to 40 percent of the employee assessment used to award MAP pay supplements must be based upon a professional practices evaluation using assessment criteria adopted by the district school board.²⁰ Instructional personnel must be evaluated based upon the school principal's assessment, and school-based administrators must be evaluated based upon the district superintendent's assessment.²¹ A district school board's assessment criteria must include:

- ❖ Ability to maintain appropriate discipline;
- ❖ Outstanding knowledge of subject matter, with ability to plan and deliver high-quality instruction and use of technology in the classroom;
- ❖ Ability to use diagnostic and assessment data to determine student instructional needs and to design and implement instructional strategies to meet those needs;
- ❖ Ability to work well with students' families for the purpose of increasing student achievement; and

¹¹ Section 1012.225(2)(b), F.S.

¹² Section 1012.225(2)(c), F.S.

¹³ Email, Florida Department of Education, Legislative Affairs Director (Aug. 24, 2010).

¹⁴ Specific Appropriation 81, s. 2, ch. 2008-152, L.O.F.

¹⁵ Specific Appropriations 5A, s. 1, and 76, s. 2, ch. 2009-81, L.O.F.

¹⁶ Specific Appropriations 6, s. 1, and 78, s. 2, ch. 2010-152, L.O.F.

¹⁷ Section 1012.225(1) and (3)(c), F.S.

¹⁸ Section 1012.225(3)(a), F.S.

¹⁹ Section 1012.225(3)(b), F.S.

²⁰ Section 1012.225(3)(e), F.S.

²¹ *Id.*

- ❖ The *Educator Accomplished Practices*²² and any other professional competencies, responsibilities, and requirements, as established by the State Board of Education or the district school board.²³

In addition to these criteria, the assessment for school-based administrators must measure the administrator's ability to manage human, financial, and material resources and ability to recruit and train high-performing teachers.²⁴

How is student performance measured under MAP?

Student performance must be measured in terms of academic proficiency, student learning gains, or both.²⁵ A school district must use statewide assessments²⁶ and, for subjects and grade-levels not tested by statewide assessments, a national, state, or district-determined examination.²⁷ National, state, or district-determined examinations must be based upon the *Sunshine State Standards*, curriculum frameworks, or course descriptions for the content area and the grade-level taught.²⁸

More particularly, school districts that participate in MAP must be able to administer end-of-course examinations that measure a student's understanding and mastery of the entire course for each grade grouping and subject. The statewide assessments, Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or national industry certification examinations satisfy the end-of-course examination requirement.²⁹

²² The *Educator Accomplished Practices* describe the essential skills and practices of effective teaching, including lesson design and planning, use of standards driven content, continued development of subject matter knowledge, use of assessments to monitor student progress and adapt instruction, and collaboration with parents and other school staff. Rule 6A-5.065, F.A.C.; see Florida Department of Education, *Educator Accomplished Practices Revisions*, <http://www.fldoe.org/profdev/FEAPSRevisions/> (last visited July 28, 2010).

²³ Section 1012.225(3)(e)1-5., F.S.

²⁴ Section 1012.225(3)(e)6, F.S.

²⁵ Section 1012.225(3)(c), F.S. A school district's use of academic proficiency, learning gains, or both to measure student performance must be balanced in manner that enables deserving employees to receive a MAP award. To fairly assess each employee, school districts have flexibility to develop a method for measuring student performance that is appropriate for each subject and grade-level taught. Ideally, the district's method for measuring student performance, whether it is based upon academic proficiency, learning gains, or both, will neither penalize teachers who teach remedial students, nor favor those who teach advanced students. Section 1012.225(3)(d), F.S.; see *Performance Pay Guidance*, *supra* note 2, at 4.

²⁶ Currently, statewide assessments include the Florida Comprehensive Assessment Test and statewide standardized end of course examinations. Section 1008.22(3)(c)2., F.S.

²⁷ Section 1012.225(3)(c), F.S.; rule 6A-7.0100(2)(b)3.b., F.A.C.; *Florida Performance Pay Guidance*, *supra* note 2, at 3-4. The Department of Education (DOE) must assist school districts by collecting and disseminating best practices for district-determined examinations. To this end, the DOE has established a clearinghouse of district-developed end-of-course examinations to facilitated sharing of examinations among districts. Section 1012.225(4)(b)2., F.S.; see, e.g., Memorandum from Deputy Commissioner for Accountability, Research, and Measurement, Florida Department of Education, to District School Superintendents (March 12, 2008), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4896/ececclearinghouse.pdf> (end-of-course examinations clearinghouse).

²⁸ Sections 1012.225(3)(c) and 1012.2251, F.S.; *Performance Pay Guidance*, *supra* note 2, at 3-4.

²⁹ Section 1012.2251, F.S.; rule 6A-7.0100(2)(b)3.b., F.A.C.; see also College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited July 27, 2010); International Baccalaureate, <http://www.ibo.org> (last visited July 27, 2010); University of Cambridge, Cambridge International

How are MAP plans submitted and reviewed?

In order to receive state funding for MAP, a district school board must adopt and submit a MAP plan to the Commissioner of Education by October 1. Before submission to the commissioner, each school district must negotiate its MAP plan with the applicable employee organizations.³⁰ Each school district's MAP plan must describe the district's assessment criteria for assessing employee performance, the amounts to be awarded as supplemental pay to high-performing employees, and the criteria for awarding the pay supplements.³¹

The commissioner must review each district's MAP plan and determine by November 15 whether the plan complies with the program's statutory requirements. If a submitted plan fails to meet the requirements, the commissioner must identify, in writing, the necessary revisions. Revised plans must be resubmitted to the commissioner by January 31. By February 15 of each year, the commissioner must "certify those school district or charter school plans that do not comply with [plan requirements] to the Governor, the President of the Senate, and the Speaker of the House of Representatives."³² Any subsequent revisions to approved MAP plans must be approved by the district school board and reviewed by the commissioner.³³

Each district school board must annually review both the assessment and compensation components of its MAP plan. By October 1, the school board must submit an annual report documenting the school district's compliance with the statutory requirements for MAP to the commissioner for review and approval. By December 1, the commissioner must submit a report to the Governor and presiding officers of the Legislature certifying those school districts failing to submit annual reports or failing to comply with the statutory requirements for MAP.³⁴

DOE must, upon request, provide technical assistance to school districts for the development of MAP plans.³⁵ DOE must also collect and disseminate best practices for MAP plans.³⁶

May charter schools participate in MAP?

Yes. A charter school may participate in its sponsoring school district's MAP.³⁷ If the district does not participate in MAP, or if the charter school does not follow the district's salary schedule, the charter school may implement its own MAP.³⁸ In the 2009-10 academic year, 151 charter schools participated in MAP. All of these schools implemented MAP independently.³⁹

Assessments, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited July 27, 2010); ss. 1003.491, 1003.492, and 1003.493, F.S. (industry certification).

³⁰ Section 1012.225(1) and (5)(a), F.S.

³¹ See generally s. 1012.225(1)-(3), F.S.; rule 6A-1.0100(2), F.A.C.

³² Section 1012.225(5)(a), F.S.

³³ Section 1012.225(6), F.S.

³⁴ Section 1012.225(5)(c), F.S.

³⁵ Section 1012.225(4)(b)1., F.S.

³⁶ Section 1012.225(4)(b)2., F.S.

³⁷ Section 1012.225(1)(a), F.S.

³⁸ Section 1012.225(1)(a) and (5)(b), F.S. A charter school's MAP plan must be included with the sponsor's plan for submission to the Commissioner of Education. A charter school may independently submit its plan if the sponsor does not participate in MAP. Section 1012.225(5)(b), F.S.

³⁹ Email, Florida Department of Education, Legislative Affairs Director (Aug. 24, 2010).

Is MAP Florida's first attempt to provide performance pay to instructional personnel and school-based administrators?

No. MAP is the latest of several attempts to establish a statewide performance pay program for instructional personnel and school-based administrators. Performance pay was first addressed by the Legislature in 1997 with legislation requiring each school district to adopt a salary schedule for instructional personnel and school-based administrators which bases a portion of each employee's salary upon his or her annual performance appraisal.⁴⁰ Legislation enacted in 1999 strengthened these initial performance pay provisions by adding requirements that school districts:

- ❖ Implement a performance appraisal for instructional personnel and school-based administrators that is primarily based upon student performance;
- ❖ Measure student performance for performance appraisal purposes using statewide assessments and, for subjects and grade levels not measured by statewide assessments, district-determined assessments; and⁴¹
- ❖ By June 30, 2002, adopt a salary schedule for instructional personnel or school-based administrators that bases at least 5 percent of each employee's salary on the performance appraisal.⁴²

School districts were given broad discretion to develop eligibility criteria and measures of student performance with little state-level oversight. As a result, many districts established stringent eligibility criteria to limit the number of employees who qualified for pay supplements. Additionally, many districts did not develop the required assessments for measuring student performance in subjects and grade levels not tested on statewide assessments. Lastly, local teachers unions negotiated performance pay plans that awarded too few teachers to be meaningful.⁴³

⁴⁰ Sections 1 and 2, ch. 97-212, L.O.F.

⁴¹ Section 58, ch. 99-398, L.O.F.; *codified at* s. 231.29(3)(a), F.S. (1999); *subsequently renumbered as* s. 1012.34(3), F.S.

⁴² Section 15, ch. 99-398, L.O.F.; *codified at* s. 230.23(5)(c), F.S. (1999); *subsequently renumbered as* s. 1012.22(1)(c), F.S.; *repealed by* s. 7, ch. 2007-3, L.O.F. Although this provision was repealed in 2007, districts are still required to base a portion of each employee's salary on performance and award differentiated pay based in part on performance. Section 1012.22(1)(c)2. and 4., F.S.

⁴³ Center for Educator Compensation Reform, *Performance Pay in Florida*, at 2-4 (Nov. 2007), available at <http://cecr.ed.gov/guides/summaries/FloridaCaseSummary.pdf> [hereinafter *The Evolution of Performance Pay in Florida*]; Council for Education Policy Research and Improvement, *Florida Teachers and the Teaching Profession*, at 24-27 (March 2003), available at <http://www.cepri.state.fl.us/pdf/Final%20Teach%20Prof.pdf>; Office of Program Policy Analysis and Government Accountability, *Restrictive District Requirements Limited Participation in Performance Pay Systems*, at 1-4 (Jan. 2007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0701rpt.pdf>.

Beginning in 2006, three successive statewide performance pay programs were developed in an attempt to create a workable framework for implementing performance pay on a statewide basis—Effectiveness Compensation (E-Comp),⁴⁴ Special Teachers Are Rewarded (STAR),⁴⁵ and MAP.⁴⁶ Each successive program attempted to adequately fund performance pay, strengthen state-level oversight of school district performance pay programs, and establish clear criteria and expectations related to award amounts and employee eligibility.

In January 2006, the DOE proposed an amendment to its rule regarding school district performance appraisal systems for instructional personnel and school-based administrators. This rule amendment would have required each school district to incorporate performance pay into its performance appraisal system. The performance pay system proposed by this rule amendment came to be known as E-Comp.⁴⁷ Under E-Comp, the top 10 percent of each district's instructional personnel would receive awards based upon improvements in student learning on statewide assessments and, for subjects and grade levels not tested on statewide assessments, district-determined assessments.⁴⁸ Award amounts were set at a minimum of 5 percent of individual salary.⁴⁹ The DOE proposed approximately \$50 million to fund the program.⁵⁰

The E-Comp rule amendment was never adopted by the State Board of Education because the 2006 Legislature established a new program, STAR, in the 2006 General Appropriations Act. School district participation in STAR was voluntary. Under STAR, participating districts were required to provide awards to at least 25 percent of instructional personnel based upon improvements in student learning on statewide assessments or district-determined assessments, as applicable. Award amounts were set at a minimum of 5 percent of individual salary. The Legislature appropriated \$147.5 million to fund STAR in FY 2006-07.⁵¹ Fifty-four school districts, 3 lab schools, and the Florida Virtual School participated in STAR.⁵² In 2007, the Legislature repealed STAR and established MAP.⁵³

⁴⁴ Vol. 32, Nos. 3 and 9, Fla. Admin. Weekly (notice of proposed amendment to Rule 6B-4.010, F.A.C., dated Jan. 20, 2006 and notice of change to proposed amendment to Rule 6B-4.010, F.A.C., dated March 3, 2006)[hereinafter *E-Comp Rulemaking 2006*]; see also Florida Department of Education, *Press Release: Florida Department of Education Unveils "Effectiveness Compensation" Plan for Teachers* (Feb. 10, 2006), available at http://www.fldoe.org/news/2006/2006_02_10.asp [hereinafter *Press Release*].

⁴⁵ Specific Appropriation 91, s. 2, ch. 2006-25, L.O.F.

⁴⁶ Section 1012.225, F.S.

⁴⁷ *E-Comp Rulemaking 2006*, *supra* note 44.

⁴⁸ *E-Comp Rulemaking 2006*, *supra* note 44. The proposed rule amendment authorized school districts to use standardized or norm-referenced examinations such as Advanced Placement and International Baccalaureate examinations, industry certification examinations, or district-developed examinations. *Id.*

⁴⁹ *E-Comp Rulemaking 2006*, *supra* note 44.

⁵⁰ See *Press Release*, *supra* note 44.

⁵¹ Specific Appropriation 91, s. 2, ch. 2006-25, L.O.F.

⁵² Email, Florida Department of Education, Legislative Affairs Director (Aug. 24, 2010).

⁵³ Sections 1, 4, and 5, ch. 2007-3, L.O.F.; s. 1012.225, F.S. Districts with STAR plans in effect as of July 1, 2006, and districts which obtained approval of a revised STAR plan by May 1, 2007, were authorized to award performance pay for the 2006-07 academic year. Section 5, ch. 2007-3, L.O.F.

Where can I get additional information?

Florida Department of Education

Division of Educator Quality

(850) 245-0509

<http://www.fldoe.org/dpe>

Florida Department of Education

Just for Teachers

(850) 245-5029

<http://www.fldoe.org/JustForTeachers/performancepay>

Florida House of Representatives

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>

Florida House of Representatives

Appropriations Committee

(850) 488-6204

<http://www.myfloridahouse.gov>